

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

HUNTAIR, INC.,)	Civil Action No. 07 C 6890
)	
Plaintiff,)	The Honorable David H. Coar
)	
v.)	Magistrate Judge Morton Denlow
)	
CLIMATECRAFT, INC.,)	
)	
Defendant.)	

**JOINT MOTION FOR LEAVE TO ADJUST SCHEDULE TO ASSIST DEPOSITION SCHEDULING
AND TO ACCOMMODATE THE COURT'S CLAIM CONSTRUCTION RULING**

The parties jointly request leave to adjust the schedule for discovery, as set forth herein, and ask the Court to hear this motion, at least preliminarily, by telephone as soon as possible, so the parties can work out a solution to deposition scheduling conflicts that require people to be in two places at once next week.

There are two aspects to this request. First, the parties seek two additional weeks in which to complete fact depositions, from September 19 until October 3. This extension is required to accommodate counsel's and the witnesses' schedules. The parties have agreed to finish depositions in Oklahoma City¹ during the week of September 22 and to finish depositions in Chicago during the week of September 29. No other fact discovery would be extended.

The second aspect of this request is to extend the deadlines for dispositive motions and expert discovery one month. The parties request this so that they may tailor their work to the Court's claim construction ruling. The parties believe proceeding this way would be more efficient for both the parties and the Court.

If this Motion is granted, the fact discovery deadline would remain the same but for the completion of depositions. The dispositive motion and expert discovery deadlines would be extended one month, as follows:

¹ One third-party deposition, set in Tulsa, Oklahoma, is the subject of a motion to compel/motion to quash. The district court in Tulsa stayed the deposition (see attached Order) until it can rule on the pending motions. The parties request that this Court permit that deposition to be completed as soon as possible once the Tulsa court has ruled.

- A. The parties shall disclose any expert testimony pursuant to Rule 26(a)(2) on or before September October 29, 2008.
- B. The parties may depose the other side's expert at any time prior to October November 17, 2008.
- C. The parties shall disclose any rebuttal expert pursuant to Rule 26(a)(2)(C) at any time prior to October November 30, 2008.
- D. The parties shall have until November December 14, 2008 to depose the opposing party's rebuttal expert.
- E. Any dispositive motions to be filed on or before September October 24, 2008.

The parties jointly urge the Court to grant this motion for the foregoing reasons.

Dated: September 13, 2008

Respectfully submitted,

/s/ Richard T. McCaulley, Jr..

Richard T. McCaulley Jr.

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Dated: September 13, 2008

Respectfully submitted,

/s/ Charles C. Kinne

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **JOINT MOTION FOR LEAVE TO ADJUST SCHEDULE TO ASSIST DEPOSITION SCHEDULING AND TO ACCOMMODATE THE COURT'S CLAIM CONSTRUCTION RULING** was served by ECF upon:

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this 13th day of September, 2008.

/s/ Charles C. Kinne
Attorney for ClimateCraft, Inc.